

641—101.6(135) Transportation and disposition of dead body or fetus.

101.6(1) A dead human body or fetus shall be transported only after enclosure in a container for transfer that will control odor and prevent the leakage of body fluids, unless the body or fetus has been embalmed, or is being transported by a licensed funeral director, emergency medical service, or medical examiner. In addition, the transport of a dead human body or fetus shall be in a manner that, applying contemporary community standards with respect to what is suitable, is respectful of the dead, the feelings of relatives, and the sensibilities of the community.

101.6(2) When a dead human body or fetus is transported from the state, the burial-transit permit shall accompany the body or fetus. When a dead human body or fetus is brought into the state, a burial-transit permit under the law of the state in which the death occurred shall accompany the body or fetus.

101.6(3) If the final disposition of a dead human body or fetus is cremation at a licensed cremation establishment, scattering of cremated remains shall be subject to the local ordinances of the political subdivision, and any and all regulations of the cemetery, if applicable, in which the scattering site is located. However, such local ordinances and cemetery regulations shall not allow scattering of cremated remains upon state property or upon private property without the property owner's consent. In the absence of an applicable local ordinance or cemetery regulation, scattering of cremated remains shall not be allowed upon any public property or upon private property without the property owner's consent. Cremation shall be considered final disposition by the department and no further burial-transit permits shall be required.

101.6(4) If the final disposition of a dead human body or fetus is burial, interment or entombment, local ordinances of the political subdivision in which the final disposition site is located and any and all regulations of the cemetery, if applicable, shall apply. In the absence of an applicable local ordinance, the depth of the grave at its shallowest point shall be at least three feet from the top of the burial container.